

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re Zurn Pex Products Liability Litigation

Court File No.
08-MDL-1958 (ADM/RLE)

This document relates to:

Cox, et al. (Civil No. 07-cv-03652)

**PLAINTIFFS' MOTION FOR
MINNESOTA CLASS
CERTIFICATION**

TO: Defendants and their attorney, James A. O'Neal, Amy R. Freestone, Faegre & Benson, LLP, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, Minnesota 55402-3901

MOTION

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs hereby
move the Court for an Order:

1. Certifying this matter as a class action pursuant to Fed. R. Civ. P. 23(b)(3);
2. Appointing Denise Cox, Terry Cox, Kevin Haugen, Christa Haugen, Robert Hvezda, Carrie Hvezda, Brian Minnerath, Jody Minnerath and Michelle Oelfke as class representatives for the Rule 23 class action;
3. Appointing the law firms of Larson • King, LLP, Zimmerman Reed, PLLP, Lockridge Grindal Nauen, PLLP, The Mason Law Firm, LLP; Cuneo, Gilbert & LaDuca, LLP and Audet & Partners, LLP as class counsel for the Rule 23 class action;
4. Directing that notice of the class certification be published and mailed to all known eligible class members;
5. Directing Zurn to provide to Class Counsel with the names and addresses of all individuals or entities who have submitted warranty claims to Zurn for brass pex fittings in Minnesota and providing a list of known users, distributors and retailers of Zurn's pex systems in Minnesota; and
6. For further and other relief the Court deems just and necessary.

This motion is based upon Plaintiffs' Memorandum of Law and supporting Affidavit and exhibits filed herewith and all the files, records, and pleadings herein, the arguments of counsel, and any additional argument, evidence, or briefing as may hereinafter be presented.

Dated this 14th day of January, 2010. **LARSON • KING, LLP**

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